

30th August 1961]

APPENDIX I.

[Vide answer to starred question No. 296 asked by Dr. A. Sreenivasan at the meeting of the Legislative Council held on 30th August 1961, page 287 supra].

(a) & (b) During March-April 1961, this State Government undertook the purchase and sale of 5 series of Rs. 5 prize bonds in the districts of Madurai, Coimbatore, Tiruchirappalli, Thanjavur, South Arcot, North Arcot, Salem, Ramanathapuram, Chingleput and the Nilgiris. The purchase of 5 series was effected so that complete series could be sold in one or two adjacent districts. During the two months, the revenue officials of the districts were given imprest advances ranging from Rs. 10,000 to Rs. 25,000 from which they bought and sold the bonds, to the public. As a result of this drive besides these 5 series, a further sum of about half a crore was sold in the districts from out of bonds held by Post Offices.

The first draw in which these bonds became eligible for prizes was held on 1st June 1961. Nearly 1,400 prizes have been won by people in our districts.

Steps have been undertaken to distribute these prizes expeditiously to prize winners.

The instructions issued to District Collectors are concerned mainly with the administrative procedures for working the imprest advances, distribution of prizes, etc.

APPENDIX II.

[Vide answer to starred question No. 301, by Dr. A. Sreenivasan, at the meeting of the Legislative Council held on 30th August 1961, page 290 supra.]

The Tuberculosis Chemotherapy Project in Madras was started in 1956 under the auspices of the Indian Council of Medical Research in collaboration with the WHO/BMRC and the Government of Madras. The object of the project was to find out how effectively the new anti-bacterial drugs can be used in treating tuberculosis patients in their homes as compared to the treatment in hospitals. The study was also utilised to ascertain the prevalence of tuberculosis in family contacts as well as the attack rate in the subsequent years.

2. A detailed protocol was drawn up for conducting the investigations indicating, among other things, criteria for the selection of patients for the study. For the purpose of comparing the effectiveness of domiciliary treatment with that given in hospitals, 100 beds were reserved in Tuberculosis Sanatorium, Tambaram.

3. Up to 1959-60, over 600 patients and over 2,000 contacts were covered by the study. The contacts of every patient were X-rayed before the case was put on treatment and, as far as possible, all the contacts were followed up regularly. The contacts

[30th August 1961]

of both the groups of cases treated at home or in the hospital were included in the study. This is expected to give an indication of the risk, if any to which contacts were exposed when patients were treated at home.

4. Information was collected about the family structure and living conditions of the patients. This is an important factor, as the economic and environmental conditions in which the patients have to be treated in their homes have to be taken into consideration.

The study also included an investigation to compare the diets of sanatorium and domiciliary group of patients with a view to find out the role played by the diet, if any, in the attainment of quiescence when treatment is given with modern anti-bacterial drugs.

The study as planned would also indicate whether it would be possible to secure co-operation of patients for long periods of treatment at home.

5. The Centre has developed a well-equipped Laboratory which is undertaking approximately 1,200 cultures and 300 sensitivity tests a month. Tests to identify the causative organism and virulence studies of different strains are also being carried out.

Some of the virulence studies which were completed a few years ago, yielded very interesting results. These studies covered 83 Indian and 29 British strains of *Mycobacterium tuberculosis* and were carried out in two laboratories in Britain and one in Madras. A majority of them which were tested were all found to be of human type and all were sensitive to streptomycin and isoniazid. Three strains of guinea-pigs, one bred in London, one in Madras and the third in both places were used in these studies. The results showed that although Madras strains were no less infective than British strains, they were definitely less virulent in the guinea-pigs. The Madras strains were found to have a wider range of virulence and only 30 per cent of them were as virulent as British strains.

6. The incidence of drug resistance in the tuberculosis population is an accepted fact, but there is as yet no information available about the size of this problem and the extent to which it will jeopardise the effective use of drugs on a mass scale. The laboratory is at present carrying out a large number of sensitivity tests and the results are expected to throw some light on the situation.

7. The duration of the follow-up period of patients and their contacts is to be a minimum of five years from the start of treatment of the patients. The follow-up of the first batch of patients admitted in 1956 will be completed this year.

8. The results of the study on sanatorium treatment versus home treatment have been published in the bulletin of the World Health Organisation (1959, 21, 51-144).

30th August 1961]

In spite of the random allocation for treatment, the home series had more severe disease even at the time of admission than the sanatorium series in respect of the extent of cavitation, total extent of the disease, and bacterial content of the sputum, although they were similar in other respects; the pre-treatment differences between the series were greater for females than for males.

8. Despite some differences of the start and in the course of treatment the study still showed that the results of domiciliary Chemotherapy as carried out in the study, approach sufficiently closely the results of sanatorium treatment to suggest that it is appropriate to treat the majority of patients at home. The study of the contacts has revealed that domiciliary treatment of tuberculosis patients for a year, drawn from an under-nourished section of the community and living in a comparatively unfavourable environment, does not in any way expose the contacts to any additional risk of infection, even though the main case, i.e., the source of infection remains in the family till the patient becomes bacteriologically negative. Preliminary analysis of data has also revealed that continuation of treatment in the second year does not confer any further benefit. If these preliminary results are confirmed by a detailed analysis of data, they would certainly provide the basis for the initiation of a national tuberculosis control programme based on sound scientific lines.

9. Up to 1960, fifteen papers/articles embodying the results of the researches and surveys undertaken at the Centre were published.

During 1960 the patients in the home and hospital comparison all completed a second year of treatment and a report on the findings has been published. An analysis of the prevalence of tuberculosis in the contacts of these patients and the attack rates during a year of follow-up has also been published. These reports have shown that in the second year, patients treated at home in the first year fared as well as patients treated in sanatorium, and that they did not expose their contacts to any special risk in the first year.

A report on a third-year follow-up of the home and sanatorium patients, which includes a comparison of three years and two years of Chemotherapy is approaching completion and the second year follow-up of contacts is also approaching completion. The patient follow-up has been 100 per cent complete and the contact follow-up nearly 95 per cent complete. A draft of the dietary report of patients in the home and sanatorium comparison is complete and an analysis of the diet in the second and third years is in progress.

A report on the four different regimens at home for a period of a year has been published as well as a report on peripheral neuritis as a complication of isoniazid therapy. An analysis of the first year attack rate in the contacts of the patients in this study is in progress and a report will be completed soon.

[30th August 1961]

Studies of serum isoniazid continued throughout the year and four reports on the subject are being drafted.

A comparison of the virulence of British and Indian strains of tubercle bacilli was published and eight other papers are drafted or are in the process of being drafted. A paper has been written on identification tests for tubercle bacilli. A comparison of the sensitivity of British and Indian strains of tubercle bacilli to PAS was completed and a report has been published. A report on the hydrogen peroxide sensitivity test has already been published.

A report on a year's treatment with streptomycin plus pyrazinamide based on 20 patients has already been published and a further report, increasing the numbers to over 60 patients, is being drafted.

A comparison of TH 1314 and TBI in the prevention of cycloserine resistance has been undertaken and a report has been drafted.

A report on the statistical aspects of controlled clinical studies has been drafted.

A number of other studies and reports are in progress both in the laboratory and in the clinic and the next year will see a further large number of publications from the centre.

A pilot intake of patients to a study of the prevention of isoniazid peripheral neuritis was undertaken.

APPENDIX III.

(Vide item II (1) on page 298 supra.)

L.A. BILL No. 28 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Cultivating Tenants Protection Act, 1955 and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

WHEREAS it is expedient further to amend the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956) for the purposes hereinafter appearing; BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961.

(2) It shall be deemed to have come into force on the 2nd March 1960.

30th August 1961]

2. *Amendment of Madras Act XXV of 1955.*—In the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) :—

(i) after section 2, the following section shall be inserted, namely :—

“ 2-A. *Construction of certain expressions.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ‘ the commencement of this Act ’, ‘ the day this Act comes into force ’, ‘ the date of coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 ’, ‘ the day the Madras Cultivating Tenants Protection (Amendment) Act, 1956 comes into force ’, and ‘ the coming into force of the Madras Cultivating Tenants Protection (Amendment) Act, 1956 ’ wherever they occur in this Act except in clause (a) of, and Explanation II to, sub-section (2) and sub-section (3) of section 3 shall be construed as referring to ‘ the 2nd March 1960 ’; and the expression ‘ 31st March 1954 ’, wherever it occurs in this Act, shall be construed as referring to ‘ 31st March 1959 ’; ”

(ii) to sub-section (3) of section 3, the following Explanation shall be added, namely :—

“ *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ‘ commencement of this Act ’ wherever it occurs in clause (a) of this sub-section shall be construed as referring to the date on which the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961 is first published in the *Fort St. George Gazette*. ”

(iii) to section 4, the following Explanation shall be added at the end, namely :—

“ *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ‘ 1st December 1953 ’ and ‘ 1953-54 or 1954-55 ’ wherever they occur in this section shall be construed respectively as referring to ‘ 31st March 1958 ’ and ‘ 1957-58 or 1958-59 ’; ”

(iv) to section 4-A, the following Explanation shall be added at the end, namely :—

“ *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ‘ 27th September 1955 ’ occurring in sub-section (3) and the expression ‘ 1954-55 or 1955-56 ’ occurring in sub-section (4) shall be construed respectively as referring to ‘ 2nd March 1960 ’ and ‘ 1957-58 or 1958-59 ’; ”

(v) in section 7,—

(a) in sub-section (1), the words “ by notification in the *Fort St. George Gazette* ” shall be omitted;

(b) for sub-section (2), the following sub-sections shall be substituted, namely :—

“ (2) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. ”

[30th August 1961]

(3) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

3. *Amendment of Madras Act XXIV of 1956.*—In the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956),—

(i) to sub-section (3) of section 1, the following proviso shall be added, namely :—

" provided that in the Shencottah taluk of the Tirunelveli district, it shall come into force on the 2nd March 1960."

(ii) in section 3,—

(a) to sub-section (1), the following Explanation shall be added, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expressions ' 1st day of October 1956 ' and ' month of September in the year 1956 ' occurring in this sub-section shall be construed respectively as referring to ' 2nd March 1960 ' and ' months of January and February in the year 1960 '."

(b) in sub-section (7), after Explanation II, the following Explanation shall be added, namely :—

" *Explanation III.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' commencement of this Act ' occurring in this sub-section shall be construed as referring to ' 2nd March 1960 '."

(iii) to sub-section (1) of section 5, the following Explanation shall be added at the end, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' the date on which this Act is first published in the *Fort St. George Gazette*, ' occurring in the first proviso to this sub-section shall be construed as referring to ' the date on which the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Act, 1961, is first published in the *Fort St. George Gazette* '";

(iv) to sub-section (2) of section 14, the following Explanation shall be added, namely :—

" *Explanation.*—In relation to the Shencottah taluk of the Tirunelveli district, the expression ' the agricultural year ending in 1957 ' in both places where it occurs in this sub-section shall be construed as referring to ' the agricultural year ending in 1962 '."

30th August 1961]

(v) in section 17,—

(a) in sub-section (1), the words “ by notification ” shall be omitted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely :—

“(3) (a) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”.

APPENDIX IV.

[Vide item II (2) on page 301 supra.]

L.A. BILL NO. 29 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Tenants and Ryots Protection Act, 1949.

WHEREAS it is expedient further to amend the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the purpose hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Madras Tenants and Ryots Protection (Amendment) Act, 1961.

2. *Amendment of section 1, Madras Act XXIV of 1949.*—In section 1, sub-section (3), of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), for the words, figures and letters “ the 7th October 1961 ”, the words, figures and letters “ the 7th October 1963 ” shall be substituted.

[30th August 1961]

APPENDIX V.

[Vide item II (3) on page 304 supra.]

L.A. BILL NO. 30 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Madras Cultivating Tenants Protection Act, 1955.

WHEREAS it is expedient further to amend the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the purpose hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Cultivating Tenants Protection (Amendment) Act, 1961.

2. *Amendment of section 1, Madras Act XXV of 1955.*—In subsection (3) of section 1 of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), for the words "for a period of six years", the words "for a period of eight years" shall be substituted.

APPENDIX VI.

[Vide item II (4) on page 308 supra.]

L.A. BILL NO. 24 OF 1961.

(As passed by the Assembly.)

A Bill further to amend the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district.

WHEREAS it is expedient further to amend the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), in its application to the Kanyakumari district for the purpose hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Holdings (Stay of Execution Proceedings) (Madras Amendment) Act, 1961.

(2) It extends to the whole of the Kanyakumari district.

2. *Amendment of section 4, Travancore-Cochin Act VIII of 1950.*—In section 4 of the Holdings (Stay of Execution Proceedings) Act, 1950 (Travancore-Cochin Act VIII of 1950), for the words "eleven years and six months", the words "thirteen years and six months" shall be substituted.

30th August 1961]

APPENDIX VII.

[Vide item II (5) on page 310 supra.]

L.A. BILL NO. 30 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Madras Pawnbrokers Act, 1943.

WHEREAS it is expedient further to amend the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943), for the purposes hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Pawnbrokers (Amendment) Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 2, Madras Act XXIII of 1943.*—In section 2 of the Madras Pawnbrokers Act, 1943 (Madras Act XXIII of 1943) (hereinafter referred to as the principal Act)—

(i) after clause (3), the following clause shall be inserted, namely :—

“(3-A) ‘Inspector’ means an Inspector appointed under sub-section (1) of section 10-B;”;

(ii) in sub-clause (ii) of clause (5), for the words, figures and letter “section 277-F of the Indian Companies Act, 1913”, the words, figures, brackets and letter “section 5 (1) (c) of the Banking Companies Act, 1949 (Central Act X of 1949)” shall be substituted.

3. *Amendment of section 4, Madras Act XXIII of 1943.*—In section 4 of the principal Act—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Every application for a pawnbroker's licence shall be in writing and shall be made to the licensing authority prescribed under this Act,”;

(b) to sub-section (2), the following proviso shall be added, namely :—

“Provided that the licence shall not be refused under this sub-section unless the applicant has had a reasonable opportunity of making his representations.”;

(c) for sub-section (3), the following sub-sections shall be substituted, namely :—

“(3) In granting or refusing to grant a licence under this section, the licensing authority may consult such authority or officer as may be prescribed.

[30th August 1961]

(3-A) Any person aggrieved by an order of the licensing authority refusing to grant a licence under this section may, within such time as may be prescribed, appeal to such authority as the State Government may specify in this behalf and such authority may make such order in the case as it may think fit."

4. *Amendment of section 6, Madras Act XXIII of 1943.*—For sub-section (1) of section 6 of the principal Act, the following sub-section shall be substituted, namely :—

" (1) No pawnbroker shall charge interest in respect of a loan on a pledge at a rate exceeding twelve per cent per annum simple interest (that is to say, one naya paisa per rupee per mensem simple interest)."

5. *Substitution of new section for section 8, Madras Act XXIII of 1943.*—For section 8 of the principal Act, the following section shall be substituted, namely :—

" 8. *Conditions relating to redemption of pledge.*—(1) In the absence of a decree or an order of a civil court, or an order of a magistrate or an officer of police not below the rank of Sub-Inspector prohibiting the delivery by the pawnbroker, of the pledge, to the pawner, the pawner shall, on production of the pawn-ticket and on payment of the sum legally payable in respect thereof, be entitled to the delivery of the pledge.

(2) On a declaration in the prescribed form from the pawner that the right to redeem the pledge has been transferred to, or is vested in, some other person and on a declaration from that other person that he is in possession of the pawn-ticket and that he is entitled to redeem the pledge, the pawnbroker shall cause an endorsement to be made on the pawn-ticket that the holder thereof is such other person, and shall cause the necessary entry to be made in the pledge book and thereafter the former person's right to redeem shall be extinguished and such other person shall be deemed to be the pawner for the purposes of this section.

(3) Where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawnbroker may, after obtaining from the person so claiming, a declaration in the prescribed form, allow redemption if the pawnbroker is satisfied that the person who claims to be such messenger or agent is in fact such messenger or agent :

Provided that such pawnbroker shall remain liable to compensate the pawner if it be found later that such messenger or agent had not in fact been duly authorised by the pawner to redeem the pledge :

Provided further that, where a person claiming to be the messenger or agent of the pawner produces the pawn-ticket and offers to redeem the pledge, the pawnbroker may send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and if he does not hear anything from the pawner contrary to the claim within two weeks

30th August 1961]

after the date on which the notice would in the usual course of post reach the pawner, the pawnbroker may allow the person claiming to be such messenger or agent to redeem the pledge and shall in that event be exonerated from further liability to the pawner or any person claiming under him.

(4)(a) Where the pawner is dead and a person produces the pawn-ticket claiming to be the legal representative of the pawner and offers to redeem the pledge, the pawnbroker shall allow such redemption, after obtaining from such person—

(i) a declaration in the prescribed form duly made by such person before any magistrate or judge; and

(ii) a bond duly executed by such person with one or more sureties to the satisfaction of the pawnbroker or of such authority or person as may be prescribed in this behalf, agreeing to indemnify the pawnbroker in respect of any liability which may be incurred by him by reason of delivering the pledge or otherwise acting in conformity with the declaration :

Provided that no such declaration or bond shall be necessary if such person produces an order of a civil court having jurisdiction to entertain a suit for the redemption of the pledge, authorizing him to redeem the pledge as the legal representative of the deceased pawner and in any such case, the pawnbroker shall allow redemption.

(b) The amount of every bond executed under clause (a) shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(5) Where a person comes into possession of a pawn-ticket as the assignee of the pawner, such person shall give notice of such assignment to the pawnbroker in the prescribed form, but the pawnbroker shall not be bound to recognize the claim of such person to redeem the pledge unless the pawner intimates to the pawnbroker the fact of such assignment or unless the pawnbroker, after having sent a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker intimating to him the claim made under the alleged assignment, does not hear anything from the pawner contrary to the claim within two weeks after the date on which the notice would in the usual course of post reach the pawner.

(6) Where the pawner alleges that the pawn-ticket has been lost or destroyed and claims redemption of the pledge, the pawnbroker shall, after obtaining from the pawner, a declaration in the prescribed form allow such redemption unless the pawnbroker has received intimation from any other person that he is in possession of the pawn-ticket and is entitled to redeem the pledge :

Provided that, before allowing such redemption, the pawnbroker may insist on security to his satisfaction or to the satisfaction of such authority or person as may be prescribed in this behalf being given by the pawner against possible claim by any other person.

[30th August 1961]

(7) . . . Where a person claims to be the owner of a pledge and alleges that the pledge was pawned without his knowledge or authority, the pawnbroker shall take a declaration from such person in the prescribed form and send a notice in the prescribed form by registered post to the pawner to the address left by the pawner with the pawnbroker, and similarly to every other person who has made any claim to the pawnbroker of being entitled to redeem the pledge, and if the pawnbroker does not receive any communication in writing from the pawner or any other such person prohibiting the delivery of the pledge to the claimant, within two weeks after the date on which the notice or notices would in the usual course of post reach the addressee or addressees, the pawnbroker may allow the claimant to redeem the pledge, and the pawnbroker shall in that event be exonerated from further liability to the pawner or any person claiming under him."

6. *Omission of section 9, Madras Act XXIII of 1943.*—Section 9 of the principal Act shall be omitted.

7. *Amendment of section 10, Madras Act XXIII of 1943.*—In section 10 of the principal Act—

(1) in sub-section (1)—

(a) in clause (a)—

(i) in sub-clause (iv), the word " and " occurring at the end shall be omitted;

(ii) in sub-clause (v), the word " and " shall be added at the end; and

(iii) after sub-clause (v), the following sub-clause shall be added, namely :—

" (vi) such other particulars as may be prescribed;";

(b) to clause (d), the following proviso shall be added, namely :—

" Provided that no such statement shall be required to be furnished to a pawner if he is supplied by the pawnbroker with a pass book in the prescribed form containing an up-to-date account of the pawnbroker's transactions with the pawner.";

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be either in English or in such language of the locality as may be prescribed; and all such books, accounts and documents and all pledges taken by the pawnbroker shall be open to inspection at any time by the Inspector having jurisdiction."

8. *Insertion of new sections 10-A and 10-B in Madras Act XXIII of 1943.*—After section 10 of the principal Act, the following sections shall be inserted, namely :—

" 10-A. *Pawnbroker to keep pledge in his shop or place of business.*—Every pawnbroker shall ordinarily keep every pledge in the shop or place of business for which the licence has been

30th August 1961]

granted. If in any case, the pawnbroker keeps the pledge in any place other than such shop or place of business, he shall, within a period of seven days from the date on which the holder of a pawn-ticket intimates his desire to inspect the pledge concerned, produce such pledge at the shop or place of business aforesaid for such inspection.

10-B. Appointment of Inspectors and their powers.—(1) The State Government or any authority or officer empowered by them may, by notification, appoint one or more persons to be Inspectors for the purposes of this Act and specify in such notification the local limits of their jurisdiction.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(3) (a) A magistrate of the first-class in the mufassal or a Presidency Magistrate in the Presidency-town may, on receiving a report from an Inspector or from any police officer not below the rank of Sub-Inspector that—

(i) any person carries on business as a pawnbroker without a licence at any place within the jurisdiction of such magistrate, or

(ii) any pawnbroker carries on business in contravention of the provisions of this Act or the rules made thereunder or the conditions of the licence granted under this Act, at any place within the jurisdiction of such magistrate, issue a warrant empowering the Inspector or, as the case may be, such police officer to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises. On receiving such warrant, the Inspector or the police officer may enter the place and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises and may take to his office for further investigation such books, accounts, records, files and documents as he considers necessary :

Provided that if the Inspector or the police officer removes from the premises any books, accounts, records, files and documents, he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files and documents so removed by him :

Provided further that within twenty-four hours of the removal of the books, accounts, records, files and documents from the premises, the Inspector or the police officer shall either return them to the person from whose custody they were removed or produce them in the court of the magistrate who issued the warrant. Such magistrate may return the books, accounts, records, files and documents or any of them to the person from whose custody they were removed by the Inspector or the police officer, after taking from such person such security as the magistrate considers necessary for the production of the books, accounts, records, files and

[30th August 1961]

documents when required whether by the Inspector, the police officer or the court, or may pass such other orders as to their disposal as appear just and convenient to the magistrate.

(b) An Inspector shall have authority to require any person whose testimony he may require regarding any loan or pledge or any other transaction of a pawnbroker to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to an officer-in-charge of a police station and take police officers to accompany and assist the Inspector in performing his duties under this Act."

9. *Substitution of new sections for sections 11 and 12, Madras Act XXIII of 1943.*—For sections 11 and 12 of the principal Act, the following sections shall be substituted, namely :—

" 11. *Redemption of pledge.*—(1) Every pledge shall be redeemable within one year from the date of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace within which every pledge shall continue to be redeemable.

(2) A pledge shall further continue to be redeemable until it is disposed of as provided in this Act, although the period of redemption and days of grace have expired.

Explanation.—Where the contract between the parties provides a longer period for redemption than one year, the provisions of this section shall be read and construed as if references to such longer period had been substituted for the references to the period of one year therein.

12. *Sale of pledge and inspection of sale book.*—(1) A pledge pawned shall not be disposed of by the pawnbroker otherwise than by sale at a public auction, conducted in accordance with such rules as may be prescribed.

(2) Where the highest bid at the sale by auction is the bid of the pawnbroker, the sale shall not take effect unless the bid is for a sum exceeding the sum payable on the pawn inclusive of interest and prescribed charges.

(3) At any time within three years after the public auction, the holder of the pawn-ticket may inspect the entry relating to the sale either in the pawnbroker's book or in such catalogue of the auction as may be prescribed.

(4) (a) Where a pledge has been sold for more than the amount of the loan and the interest and prescribed charges due at the time of the sale, the pawnbroker shall pay to the holder of the pawn ticket on demand made within three years after the sale, the surplus after deducting therefrom the necessary costs and prescribed charges of the sale.

(b) If on such demand it appears that the sale of the pledge has resulted in a surplus but that within twelve months before such sale, the sale of any other pledge or pledges of the same

30th August 1961]

person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus and shall be liable to pay only the balance, if any, after such set off."

10. *Amendment of section 13, Madras Act XXIII of 1943.*—In sub-section (1) of section 13 of the principal Act, for the words "Where a pledge is destroyed or damaged by or in consequence of fire" the words "Where a pledge is lost by theft or is destroyed or damaged by or in consequence of fire," shall be substituted.

11. *Insertion of new sections 14-A to 14-D in Madras Act XXIII of 1943.*—After section 14 of the principal Act, the following sections shall be inserted, namely:—

"14-A. *Power to cancel licences, etc.*—(1) The licensing authority specified in sub-section (1) of section 4 may, at any time, during the term of any licence, cancel it by an order in writing—

(a) if the licensee carries on the business in contravention of any of the provisions of this Act or the rules made thereunder or of the conditions of the licence, or

(b) if any reason for which such authority could have refused to grant the licence to the pawnbroker under sub-section (2) of section 4, is brought to the notice of that authority after the grant of the licence, or

(c) if the licensee is convicted for an offence under sub-section (1) of section 15, or

(d) if the licensee maintains false accounts.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence under sub-section (1), may, within such time as may be prescribed, appeal to such authority as the State Government may specify in this behalf and such authority may make such order in the case as it may think fit.

14-B. *Publication of order of cancellation.*—Every order of cancellation of a licence under section 14-A shall be notified in the District Gazette and also on the notice-board of the office of the licensing authority.

14-C. *No compensation for cancellation of licence.*—A person whose licence is cancelled under section 14-A shall not be entitled to any compensation in respect of such cancellation or to the refund of any fee paid in respect of such licence.

14-D. *Auctioneers to maintain certain registers.*—(1) Auctioneers conducting sales under this Act of pledges shall maintain such registers containing such particulars as may be prescribed.

[30th August 1961]

(2) At any time within three years after the public auction, any police officer not below the rank of Sub-Inspector may inspect the registers referred to in sub-section (1) at all reasonable times and at such place as may be prescribed. "

12. *Substitution of new section for section 16, Madras Act XXIII of 1943.*—For section 16 of the principal Act, the following section shall be substituted, namely :—

" 16. *Certain other acts of pawnbrokers to be punishable.*—A pawnbroker, who—

(1) takes an article in pawn from any person appearing to be under the age of eighteen years, or to be of unsound mind; or

(2) purchases or takes in pawn or exchanges a pawn-ticket issued by another pawnbroker; or

(3) employs any person under the age of eighteen years to take pledges in pawn; or

(4) under any pretence purchases, except at a public auction, any pledge while in pawn with him; or

(5) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or

(6) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption; or

(7) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as is authorised by or under this Act,

shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. "

13. *Omission of section 20, Madras Act XXIII of 1943.*—Section 20 of the principal Act shall be omitted.

14. *Amendment of section 21, Madras Act XXIII of 1943.*—In the first paragraph of section 21 of the principal Act—

(i) for the words and brackets " Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision of this Act relating to licences), " the words " Where a pawnbroker is guilty of an offence under this Act or where his licence is cancelled under any of the provisions of this Act " shall be substituted;

(ii) after the words " that offence " in both the places where those words occur, the words " or cancellation " shall be inserted;

(iii) the following words shall be added at the end, namely :—

" nor shall that offence or cancellation affect any obligation or liability incurred by the pawnbroker before that offence or cancellation. "

30th August 1961]

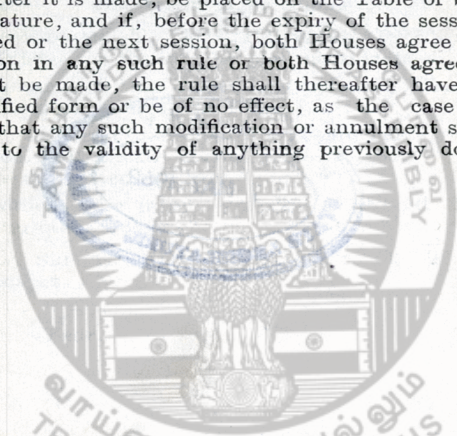
15. Amendment of section 22, Madras Act XXIII of 1943.—
In section 22 of the principal Act—

(1) in sub-section (1), the words “ after previous publication ” shall be omitted;

(2) for sub-section (3), the following sub-sections shall be substituted, namely :—

“(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the Table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”



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